

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
)	
VS.)	
)	DOCKET NUMBER
PAMELA WINN,)	1:03-CR-091-WBH; 1:09-CR-088-WBH
)	
DEFENDANT.)	ATLANTA, GEORGIA
)	FEBRUARY 25, 2009
)	
_____)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE WILLIS B. HUNT, JR.,
UNITED STATES DISTRICT SENIOR JUDGE

APPEARANCES:

FOR THE PLAINTIFF:	GALE MCKENZIE UNITED STATES ATTORNEY'S OFFICE ATLANTA, GEORGIA 30303
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FOR THE DEFENDANT:	JOHN R. LOVELL HOLLBERG & WEAVER, LLP ATLANTA, GEORGIA 30305
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OFFICIAL COURT REPORTER:	MONTRELL VANN, CCR,RPR,RMR,CRR 2394 UNITED STATES COURTHOUSE 75 SPRING STREET, SOUTHWEST ATLANTA, GEORGIA 30303 (404)215-1549
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1 (IN ATLANTA, FULTON COUNTY, GEORGIA, FEBRUARY 25, 2009, IN
2 OPEN COURT.)

3 THE COURT: GOOD MORNING. MS. MCKENZIE, MR. LOVELL,
4 ARE YOU ALL READY TO PROCEED IN THE PLEA ARRANGEMENTS FOR PAMELA
5 WINN?

6 MR. LOVELL: YES, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 MS. MCKENZIE: YES, YOUR HONOR. WE JUST NEED ONE HALF
9 SECOND TO FINISH A COUPLE OF SIGNATURES.

10 THE COURT: OH, YES. THAT'S FINE. AND THEN IF YOU
11 DON'T MIND, COME ON UP TO THE LECTERN AND IF YOU WOULD GO
12 THROUGH THE PAPERWORK, MS. MCKENZIE, WE'LL GO FROM THERE.

13 LET HER COME ON UP, MR. LOVELL.

14 IF YOU WANT TO JUST CONFIRM THE PAPERS, MS. MCKENZIE.

15 MS. MCKENZIE: YES, YOUR HONOR.

16 YOU'RE PAMELA WINN AND REPRESENTED TODAY BY JOHN LOVELL; IS
17 THAT CORRECT?

18 MS. WINN: YES, MA'AM.

19 MS. MCKENZIE: AND I UNDERSTAND THAT YOU WISH TO WAIVE
20 INDICTMENT AND ALLOW THE GOVERNMENT TO FILE CRIMINAL INFORMATION
21 NUMBER 1:09-CR-88; IS THAT CORRECT?

22 MS. WINN: YES.

23 MS. MCKENZIE: YOU'VE RECEIVED A COPY OF THESE
24 CHARGES?

25 MS. WINN: YES, MA'AM.

1 MS. MCKENZIE: AND IT CHARGES A SUBSTANTIVE COUNT OF
2 BANK FRAUD AND FORFEITURE, THE FORFEITURE PROVISION; CORRECT?

3 MS. WINN: YES, MA'AM.

4 MS. MCKENZIE: AND IS THIS YOUR SIGNATURE HERE ON YOUR
5 WAIVER OF INDICTMENT FORM?

6 MS. WINN: YES.

7 MS. MCKENZIE: AND, MR. LOVELL, YOU'VE ALSO SIGNED
8 THIS WAIVER OF INDICTMENT; IS THAT CORRECT?

9 MR. LOVELL: YES.

10 MS. MCKENZIE: OKAY. NOW, MS. WINN, YOU'VE ALSO
11 RECEIVED A COPY OF THE GUILTY PLEA AND PLEA AGREEMENT IN THE
12 BANK FRAUD CASE, THIS CRIMINAL INFORMATION NUMBER 1:09-CR-88,
13 AND THIS PLEA AGREEMENT ALSO COVERS -- OR ADDRESSES THE AMENDED
14 PETITION FOR REVOCATION OF YOUR SUPERVISED RELEASE IN CASE
15 NUMBER 1:03-CR-91; IS THAT CORRECT?

16 MS. WINN: YES.

17 MS. MCKENZIE: IS THIS YOUR SIGNATURE HERE ON PAGE 12
18 OF THIS PLEA AGREEMENT AND ALSO ON PAGE 13?

19 MS. WINN: YES.

20 MS. MCKENZIE: AND, MR. LOVELL, THESE ARE YOUR
21 SIGNATURES ALSO ON PAGE 12 AND 13 OF THE PLEA AGREEMENT; IS THAT
22 CORRECT?

23 MR. LOVELL: YES.

24 THE COURT: ANYTHING ELSE ON THE PAPERS?

25 MS. MCKENZIE: NO, YOUR HONOR.

1 THE COURT: ALL RIGHT. LET HER GET IN FRONT OF THAT
2 MICROPHONE IF YOU WANT TO. IF YOU WANT TO HAVE A SEAT FOR THE
3 TIME BEING, MS. MCKENZIE, THAT WILL BE FINE. THIS ARRANGEMENT,
4 BY THE WAY, TODAY INVOLVES BOTH A GUILTY PLEA TO THE INFORMATION
5 AND AN AGREEMENT OR ADMISSION CONCERNING THE CHARGES IN THE
6 REVOCATION PETITION; IS THAT RIGHT?

7 MS. MCKENZIE: YES, YOUR HONOR.

8 THE COURT: OKAY. MS. WINN, YOU ARE HERE IN FRONT OF
9 ME THIS MORNING FOR THE PURPOSE OF PLEADING GUILTY TO THIS
10 INFORMATION AND AGREEING TO THE CHARGES IN THE REVOCATION
11 MATTER. AND IN ORDER FOR ME TO ACCEPT YOUR PLEA I HAVE TO
12 DECIDE THAT YOU'RE DOING IT FREELY AND VOLUNTARILY, AND THAT IS
13 THAT YOU UNDERSTAND YOUR LEGAL RIGHTS AND YOU ARE GIVING THEM UP
14 IN CONNECTION WITH THE AGREEMENT YOU'VE REACHED WITH THE
15 GOVERNMENT. FOR ME TO DO THAT, I'M GOING TO BE ASKING THE
16 GOVERNMENT'S LAWYER SOME QUESTIONS, YOUR LAWYER SOME QUESTIONS
17 AND YOU, AND PRINCIPALLY YOU, AND YOUR RESPONSES NEED TO BE
18 UNDER OATH. SO IF YOU WILL HOLD UP YOUR RIGHT HAND, I'M GOING
19 TO ASK MS. COALSON TO ADMINISTER THE OATH TO YOU.

20 PAMELA WINN

21 AFTER HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

22 EXAMINATION

23 BY THE COURT:

24 Q. FOR THE RECORD, MS. WINN, HOW OLD ARE YOU?

25 A. 40.

1 Q. 40. HOW FAR DID YOU GO IN SCHOOL?

2 A. I HAVE A COLLEGE DEGREE IN NURSING.

3 Q. COLLEGE DEGREE?

4 A. YES.

5 Q. WHEN DID YOU GET THAT?

6 A. AT THE DEKALB COLLEGE.

7 Q. AND WHEN WAS THAT?

8 A. IN '98.

9 Q. '98. DO YOU RESIDE IN THE ATLANTA VICINITY OR DID YOU
10 BEFORE YOU WERE IN JAIL?

11 A. YES, SIR.

12 Q. AND BEFORE YOU WERE ARRESTED WHAT WAS YOUR OCCUPATION AT
13 THAT TIME?

14 A. I WAS A NURSE.

15 Q. NURSE?

16 A. YES, R.N.

17 MR. LOVELL: JUDGE, THERE ARE TWO ARRESTS. THE
18 UNDERLYING -- SHE WAS A NURSE UP UNTIL THAT TIME, JUST TO BE
19 CLEAR, BUT AS A RESULT OF THAT SHE WAS NOT ABLE TO PRACTICE
20 NURSING WHEN SHE WAS ON SUPERVISED RELEASE.

21 THE COURT: WHEN SHE WAS ON SUPERVISED RELEASE.

22 MR. LOVELL: YES.

23 MS. MCKENZIE: HOWEVER, SHE DID ACT AS A NURSE WHILE
24 SHE WAS ON SUPERVISED RELEASE EVEN THOUGH NOT LICENSED TO DO SO.

25 THE COURT: RIGHT. I UNDERSTAND THAT.

1 MR. LOVELL: THERE MAY BE SOME DISPUTE REGARDING THAT,
2 JUDGE, BUT THAT'S NOT NECESSARILY RELEVANT FOR THIS -- PURPOSE
3 OF THIS PLEA.

4 BY THE COURT:

5 Q. MS. WINN, AT THIS POINT IN TIME ARE YOU UNDER A DOCTOR'S
6 CARE FOR ANY REASON?

7 A. NO.

8 Q. ARE YOU TAKING ANY KIND OF MEDICATION NOW THAT WOULD MAKE
9 IT DIFFICULT FOR YOU TO UNDERSTAND US THIS MORNING?

10 A. NO.

11 Q. AND I ASSUME YOU HAVE NOT HAD ANY OTHER DRUGS OR ALCOHOL SO
12 RECENTLY THAT THAT WOULD IMPAIR YOUR ABILITY TO UNDERSTAND?

13 A. NO, SIR.

14 Q. NOW, SINCE YOUR ARREST CONCERNING THE REVOCATION HOW LONG
15 HAVE YOU BEEN IN CUSTODY?

16 A. NINE MONTHS.

17 Q. NINE MONTHS?

18 A. ABOUT THAT, YES.

19 Q. ALL RIGHT. AND, MS. WINN, HAVE YOU HAD ENOUGH TIME AND
20 OPPORTUNITY NOW TO MEET WITH MR. LOVELL, GO OVER ALL THE FACTS
21 OF THE CASE WITH HIM AND DECIDE HOW YOU SHOULD DISPOSE OF THESE
22 MATTERS?

23 A. YES.

24 Q. AND BASED ON THOSE CONVERSATIONS HAVE YOU DECIDED THAT IT
25 IS BETTER FOR YOU TO ENTER A PLEA BASED ON THE AGREEMENT YOU'VE

1 REACHED WITH THE GOVERNMENT INSTEAD OF GOING TO TRIAL?

2 A. YES.

3 Q. HAVE YOU AND HE CONFERRED ABOUT THE SENTENCING GUIDELINES
4 THAT WOULD HAVE SOME APPLICATION IN THE CASE THAT'S SET OUT IN
5 THE INFORMATION?

6 A. YES, SIR.

7 Q. ARE YOU SATISFIED WITH HIS SERVICES ON YOUR BEHALF AT THIS
8 POINT IN TIME?

9 A. YES, SIR.

10 Q. ALL RIGHT. I'M GOING TO GO THROUGH A FEW THINGS HERE WITH
11 YOU REGARDING YOUR RIGHT TO A JURY TRIAL. LET ME ASK YOU THIS:
12 WHAT EXACTLY WERE YOU ON SUPERVISED RELEASE FOR?

13 A. FOR HEALTHCARE FRAUD.

14 Q. FOR WHAT?

15 A. HEALTHCARE FRAUD.

16 Q. HEALTHCARE FRAUD. AND AS A RESULT OF THAT CHARGE DID YOU
17 SERVE SOME TIME BEFORE SUPERVISED RELEASE?

18 A. YES, SIR, I DID.

19 Q. AND HOW MUCH TIME DID YOU SERVE THEN?

20 A. MY SENTENCE WAS 21 MONTHS.

21 Q. FOLLOWED BY SUPERVISED RELEASE?

22 A. YES.

23 Q. AND WHEN YOU GOT THE 21 MONTHS WAS THAT THE RESULT OF A
24 PLEA OR DID YOU GO TO TRIAL?

25 A. A PLEA.

1 Q. YOU PLEADED. SO WHAT I'M GOING TO TELL YOU NOW YOU'VE BEEN
2 TOLD BEFORE AND YOU KNOW, BUT I'M GOING TO GO BACK THROUGH IT
3 FOR THE RECORD. AND THAT IS TO SAY, MS. WINN, IF YOU PLEADED
4 NOT GUILTY YOU WOULD BE ENTITLED TO A JURY TRIAL. DO YOU
5 UNDERSTAND THAT?

6 A. YES.

7 Q. IF YOU HAD A JURY TRIAL YOU WOULD BE PRESUMED TO BE
8 INNOCENT. THE BURDEN OF PROOF WOULD BE ON THE GOVERNMENT. THEY
9 WOULD HAVE TO ESTABLISH YOUR GUILT BEYOND A REASONABLE DOUBT TO
10 THE JURY'S SATISFACTION. YOU WOULD BE ENTITLED TO A LAWYER SUCH
11 AS MR. LOVELL WHETHER YOU COULD AFFORD HIM OR NOT. THE
12 GOVERNMENT WOULD PUT UP WITNESSES IN YOUR CASE. YOU WOULD
13 LISTEN TO THEM. YOUR LAWYER COULD CROSS-EXAMINE THEM. YOU
14 COULD BRING IN WITNESSES ON YOUR SIDE, IF THERE ARE ANY. YOU
15 COULD DECIDE WHETHER TO TESTIFY AND YOU COULD REMAIN SILENT, AND
16 IF YOU DID, THE JURY COULDN'T HOLD THAT AGAINST YOU. BUT YOU,
17 LIKE ANY OTHER WITNESS, COULD TESTIFY IF YOU WANTED TO. AND IF
18 AT THE END OF THE TRIAL, MS. WINN, THE GOVERNMENT HAD NOT
19 ESTABLISHED YOUR GUILT BEYOND A REASONABLE DOUBT YOU WOULD BE
20 ENTITLED TO A NOT GUILTY VERDICT. DO YOU UNDERSTAND THAT?

21 A. YES.

22 Q. ASSUME THAT THE GOVERNMENT DID ESTABLISH YOUR GUILT AND THE
23 JURY AGREED WITH THE GOVERNMENT AND FOUND YOU GUILTY, YOU WOULD
24 STILL HAVE A RIGHT TO APPEAL THAT TO THE COURT OF APPEALS TO SEE
25 IF YOU COULD GET IT REVERSED. DO YOU UNDERSTAND?

1 A. YES.

2 Q. IF YOU PLEAD GUILTY HERE TODAY TO THIS INFORMATION,
3 MS. WINN, THERE WILL BE NO KIND OF A TRIAL. AND IN TERMS OF AN
4 APPEAL, YOUR APPEAL RIGHTS WOULD BE LIMITED, IN ANY EVENT. BUT
5 BESIDES THAT, IN THE PLEA AGREEMENT THAT YOU HAVE REACHED WITH
6 THE GOVERNMENT, YOU HAVE INDICATED TO THE GOVERNMENT AND TO THE
7 COURT THAT, UNLESS CERTAIN THINGS OCCUR, YOU WOULD NOT APPEAL
8 THE SENTENCE. FOR EXAMPLE, IF I SENTENCE YOU TO A SENTENCE THAT
9 IS NOT OVER THE GUIDELINES, YOU AGREE YOU'RE NOT GOING TO
10 APPEAL; RIGHT?

11 A. RIGHT.

12 Q. AND THEN THERE HAS TO DO SOMETHING WITH THE AMOUNT OF LOSS.
13 IF I WERE TO FIND THE LOSS TO EXCEED A MILLION, OF COURSE, YOU
14 COULD APPEAL, BUT OTHERWISE NOT. NUMBER OF VICTIMS, THERE'S A
15 PROVISION IN PARAGRAPH THREE ON PAGE TEN THAT RELATES TO THE
16 POSSIBILITY THERE THAT WOULD ALLOW YOU TO APPEAL RELATIVE TO THE
17 SOPHISTICATED MEANS ENHANCEMENT. I KNOW THIS IS KIND OF
18 DIFFICULT FOR YOU. IT'S DIFFICULT FOR ME. BUT IT DOES SET
19 FORTH ISSUES THAT MIGHT ARISE THAT WOULD GIVE YOU A RIGHT TO
20 APPEAL. OTHERWISE, YOU'RE FOREGOING YOUR RIGHT TO APPEAL;
21 CORRECT?

22 A. YES, SIR.

23 Q. AND ALSO YOU'RE TELLING THE GOVERNMENT AND ME THAT BEYOND
24 NOT BEING ABLE TO APPEAL THE CASE LATER ON, YOU'RE NOT GOING TO
25 ATTACK THE JUDGMENT IN THE CASE FROM SORT OF A COLLATERAL

1 STANDPOINT, IN OTHER WORDS, SOMETHING OTHER THAN A DIRECT
2 APPEAL. DO YOU UNDERSTAND YOU'RE GIVING UP THOSE RIGHTS AS
3 WELL?

4 A. YES, SIR.

5 Q. OKAY. LET ME ASK YOU THIS: DO YOU THINK THAT YOUR
6 AGREEMENT HERE TO PLEAD GUILTY TODAY IS BEING MADE BY YOU FREELY
7 AND VOLUNTARILY?

8 A. YES, SIR.

9 Q. DO YOU THINK YOU KNOW EVERYTHING YOU NEED TO KNOW ABOUT THE
10 FACTS OF THIS CASE AND ABOUT THE LAW THAT APPLIES TO IT TO ENTER
11 A PLEA OF GUILTY?

12 A. YES, SIR.

13 Q. ALL RIGHT. HAS ANYBODY, MS. WINN, MADE YOU ANY PROMISE
14 OTHER THAN WHAT'S SET FORTH IN THE PLEA AGREEMENT THAT WOULD
15 CAUSE YOU TO COME IN HERE TODAY AND PLEAD GUILTY?

16 A. NO, SIR.

17 Q. HAS ANYBODY MADE ANY THREATS AGAINST YOU OR ANY MEMBER OF
18 YOUR FAMILY THAT WOULD CAUSE YOU TO PLEAD GUILTY?

19 A. NO, SIR.

20 Q. HAS ANYBODY PROMISED YOU WHAT YOUR SENTENCE WOULD BE IN
21 THIS CASE?

22 A. NO, SIR.

23 Q. YOU HAVE SOME IDEA ABOUT THE RANGE OF THE SENTENCE; IS THAT
24 RIGHT?

25 A. YES, SIR.

1 Q. ALL RIGHT. LET ME JUST TAKE ONE PEAK AT YOUR PLEA
2 AGREEMENT NOW. WELL, LET ME BACK UP A SECOND AND TELL YOU THAT
3 YOU ARE HANDLING THIS AGREEMENT, HAVING IT HANDLED ON THE BASIS
4 OF AN INFORMATION INSTEAD OF AN INDICTMENT. AND I WANT TO TELL
5 YOU THAT IN CRIMINAL CASES OF THIS SORT, ABSENT THAT WAIVER, YOU
6 WOULD BE ENTITLED TO HAVE THE GOVERNMENT GO BEFORE THE GRAND
7 JURY AND MAKE OUT ITS CASE AND SEE IF THE GRAND JURY WOULD
8 RETURN A TRUE BILL OF INDICTMENT AGAINST YOU. DO YOU UNDERSTAND
9 THAT?

10 A. YES, SIR.

11 Q. THEY DON'T HAVE TO DO THAT IF YOU SAY, NO, IT'S NOT
12 NECESSARY, I WILL AGREE TO PLEA TO AN INFORMATION WHICH SETS OUT
13 THE SAME CHARGE BUT ELIMINATES THE GRAND JURY CONSIDERATION. DO
14 YOU UNDERSTAND?

15 A. YES, SIR.

16 Q. AND ARE YOU TELLING ME TODAY THAT YOU ARE AGREEABLE TO
17 WAIVE INDICTMENT IN THIS CASE AND LET THE GOVERNMENT PROCEED BY
18 INFORMATION?

19 A. YES, SIR.

20 THE COURT: ALL RIGHT. HAD YOU DONE THAT IN FRONT OF
21 A MAGISTRATE JUDGE OR ANYTHING OR NOT?

22 MS. MCKENZIE: NO, WE HAVE NOT.

23 THE COURT: HAD NOT. OKAY.

24 BY THE COURT:

25 Q. I JUST WANT TO GO OVER VERY QUICKLY THE MAXIMUM PENALTIES,

1 AND I SAW THAT THEY WERE SET OUT IN THIS MATTER. IN A CASE OF
2 THIS KIND AS A RESULT OF A PLEA, A PRISON SENTENCE OF UP TO 30
3 YEARS COULD BE IMPOSED. DO YOU UNDERSTAND THAT?

4 A. YES.

5 Q. THERE IS NO MANDATORY MINIMUM. SUPERVISED RELEASE WOULD
6 FOLLOW ANY JAIL SENTENCE, AND THAT COULD BE AS MUCH AS FIVE
7 YEARS. A FINE OF A MILLION DOLLARS COULD BE IMPOSED. TYPICALLY
8 IN A CASE WHERE THE GOVERNMENT IS SEEKING RESTITUTION, THE COURT
9 WOULD PROBABLY NOT IMPOSE A FINE, BUT IT COULD. DO YOU
10 UNDERSTAND THAT?

11 A. YES.

12 Q. RESTITUTION WOULD BE DUE TO ALL THE VICTIMS AND YOU WOULD
13 HAVE TO PAY A SPECIAL ASSESSMENT OF A HUNDRED DOLLARS. YOU MAY
14 HAVE ALREADY PAID THAT, BUT IF YOU HAVEN'T, IT WOULD BE DUE.
15 AND THEN THIS FORFEITURE -- AND I'M NOT SURE RIGHT THIS MINUTE
16 BECAUSE I HAVEN'T GOTTEN TO THAT PART OF THE PLEA AGREEMENT THIS
17 MORNING, BUT YOU UNDERSTAND THAT THERE WOULD BE A FORFEITURE OF
18 ANY PROCEEDS OR PROPERTY OR ANYTHING ELSE THAT THE GOVERNMENT
19 AND YOU AGREE IS RELATED TO THE CRIME. DO YOU UNDERSTAND THAT?

20 A. YES.

21 THE COURT: WHAT EXACTLY IS SHE GOING TO FORFEIT,
22 MS. MCKENZIE?

23 MS. MCKENZIE: THERE'S ALREADY -- WE FOUND JUST UNDER
24 \$5,000. WE HAVEN'T BEEN ABLE TO FIND ANYTHING ELSE, BUT SHE
25 WILL AGREE TO A PRELIMINARY ORDER OF FORFEITURE FOR THE TOTAL

1 PROCEEDS WHICH ARE ABOUT \$531,000. AND THE PLEA AGREEMENT
2 STATES THAT WE WILL SEEK TO APPLY THAT TOWARD RESTITUTION IF WE
3 FIND ANYMORE MONEY --

4 THE COURT: OKAY.

5 MS. MCKENZIE: -- ASSETS. WE HAVEN'T FOUND ANY TO
6 DATE THAT HASN'T ALREADY BEEN SPENT.

7 BY THE COURT:

8 Q. ALL RIGHT. IS IT YOUR UNDERSTANDING, MS. WINN, THAT YOU
9 WILL NOT BE SENTENCED TODAY?

10 A. YES, SIR.

11 Q. AS HAPPENED TO YOU BEFORE IN YOUR OTHER CASE, A PRESENTENCE
12 INVESTIGATION WILL BE CONDUCTED BY THE PROBATION SUPERVISOR WHO
13 WILL GIVE US ALL A REPORT, AND YOU'LL GO OVER THAT REPORT WITH
14 MR. LOVELL. IF THERE ARE ERRORS IN IT IN YOUR VIEW, WE CAN
15 ADDRESS THOSE AND THEY CAN BE CORRECTED AND THEN WE WILL COME
16 BACK AT A LATER DATE WHEN IT WILL BE TOLD TO US BY MS. COALSON
17 IN A FEW MINUTES TO GO AHEAD AND HEAR FROM YOU, THE GOVERNMENT,
18 AND YOUR LAWYER ABOUT WHAT SENTENCE SHOULD BE IMPOSED. DO YOU
19 UNDERSTAND?

20 A. YES.

21 Q. AT THE TIME YOU ARE IN FACT SENTENCED, MS. WINN, IF THE
22 SENTENCE I EVENTUALLY IMPOSE SEEMS TO YOU TO BE UNFAIR OR MORE
23 THAN YOU SHOULD GET OR SOMETHING YOU DIDN'T EXPECT, DO YOU
24 UNDERSTAND THAT THOSE WILL NOT BE REASONS FOR YOU TO BACK UP AND
25 THEN GET A JURY TRIAL? DO YOU UNDERSTAND THAT?

1 A. YES, SIR.

2 Q. AND ONE OTHER THING BEFORE I TURN IT OVER TO MS. MCKENZIE
3 TO LET HER DO THE FACTUAL BASIS AND THE ELEMENTS OF THE CASE,
4 YOU'RE ALSO AGREEING THAT YOU WILL NOT CONTEST THE MATTERS THAT
5 ARE SET FORTH IN THE PETITION SEEKING TO REVOKE YOUR SUPERVISED
6 RELEASE; IS THAT RIGHT?

7 A. YES.

8 THE COURT: IS IT RIGHT, MR. LOVELL?

9 MR. LOVELL: I THINK, JUDGE, HER HESITATION WAS
10 THERE'S -- THERE ARE SOME ELEMENTS -- ACTUALLY THERE'S ONE
11 GROUND, NUMBER TWO, GROUND TWO SHE CONTESTS THAT, BUT -- AND
12 THEN THERE ARE JUST CERTAIN SPECIFICS IN THERE THAT SHE HAS SOME
13 DISAGREEMENT WITH. BUT THE FACT THAT SHE VIOLATED HER
14 SUPERVISED RELEASE, SHE IS NOT CONTESTING.

15 BY THE COURT:

16 Q. YOU AGREE YOU VIOLATED?

17 A. I AGREE THAT I VIOLATED, SIR.

18 Q. YES. OF COURSE THE PRINCIPAL VIOLATION IS THE FACT THAT
19 YOU GOT INVOLVED IN SOME ALLEGED CRIME.

20 A. RIGHT.

21 Q. AND YOU DON'T TAKE ANY ISSUE WITH THAT TODAY?

22 A. NO.

23 Q. WELL, TWO OF THE OTHER CHARGES RELATE TO, I THINK, IN SOME
24 PART THE MANNER IN WHICH THIS THING WAS CONDUCTED. AND YOU HAVE
25 SOME RESERVATION, I GUESS, ABOUT THE WAY THOSE ARE SET FORTH,

1 BUT YOU DON'T CHALLENGE IN ANY WAY THE FACT THAT BY COMMITTING
2 THIS CRIME YOU VIOLATED THE TERMS OF YOUR SUPERVISED RELEASE?

3 A. NO, SIR, I DON'T CHALLENGE IT.

4 Q. AND THEN THERE ARE SOME OTHER THINGS THAT RELATE TO THE
5 FACT THAT YOU WERE EMPLOYED AT ONE TIME BY SOUTHEASTERN
6 GYNECOLOGY AND ONCOLOGY, L.L.C. AND YOU DIDN'T REPORT THAT. AND
7 THEN ANOTHER TIME YOU WERE SELF-EMPLOYED AT THIS GO GET IT
8 TRANSPORTATION, AND YOU DIDN'T TELL THE PROBATION OFFICER ABOUT
9 THAT. DO YOU UNDERSTAND WHAT THOSE CHARGES ARE?

10 A. YES, SIR.

11 Q. DO YOU AGREE OR DISAGREE WITH THEM?

12 A. I DID -- I WAS EMPLOYED FOR SOUTHEASTERN GYNECOLOGIC
13 ONCOLOGY.

14 Q. AND YOU DIDN'T REPORT THAT TO THE COURT?

15 A. NO, I DID NOT.

16 Q. OKAY. AND THEN IT TALKS ABOUT OPENING LINES OF CREDIT, AND
17 THAT PROBABLY HAS TO DO ALSO -- WELL, MAYBE OTHER THINGS, BUT IT
18 ALSO IS INVOLVED IN THE PRINCIPAL CASE; RIGHT?

19 A. RIGHT.

20 Q. AND YOU DON'T CHALLENGE THAT IN ANY WAY?

21 A. NO.

22 THE COURT: OKAY. MS. MCKENZIE, IF YOU WOULD GIVE US
23 THE ELEMENTS OF THE GOVERNMENT'S CHARGES SET OUT IN COUNT ONE
24 AND THEN THE FACTUAL BASIS FOR THAT.

25 MS. MCKENZIE: YES, YOUR HONOR. IF WE COULD ADDRESS

1 JUST ONE THING FIRST.

2 THE COURT: SURE.

3 MS. MCKENZIE: THAT IS THE MAXIMUM PENALTY FOR THE
4 REVOCATION.

5 THE COURT: OKAY. THAT'S A GOOD POINT.

6 MS. MCKENZIE: THAT WOULD BE TWO YEARS ON EACH COUNT
7 AND SHE WAS -- AND THAT CAN ALL RUN CONSECUTIVE TO ANY SENTENCE
8 SHE MAY GET ON THE CRIMINAL INFORMATION.

9 THE COURT: IT CAN RUN, BUT IT DOESN'T HAVE TO RUN; IS
10 THAT RIGHT?

11 MS. MCKENZIE: YES. BUT IT CAN RUN CONSECUTIVE AND IT
12 CAN BE MULTIPLE SENTENCES OF TWO YEARS.

13 BY THE COURT:

14 Q. YOU UNDERSTAND THAT PENALTY PERTAINS TO THE REVOCATION?

15 A. YES.

16 Q. AND THAT THE COURT IS AUTHORIZED IF IT SEES FIT, I SUPPOSE,
17 TO ADD THAT TO WHATEVER PENALTY IS IMPOSED IN THE MAIN CASE; DO
18 YOU UNDERSTAND THAT?

19 A. YES.

20 THE COURT: OKAY. ALL RIGHT. MS. MCKENZIE.

21 MS. MCKENZIE: THE ELEMENTS OF THE SUBSTANTIVE COUNT
22 OF BANK FRAUD THAT THE DEFENDANT IS ENTERING HER PLEA ARE:
23 FIRST, THAT THE DEFENDANT EXECUTED OR ATTEMPTED TO EXECUTE A
24 SCHEME TO DEFRAUD A FINANCIAL INSTITUTION TO OBTAIN MONEY,
25 ASSETS OR PROPERTY FROM A FINANCIAL INSTITUTION BY MEANS OF

1 FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR PROMISES
2 RELATED TO A MATERIAL FACT AS CHARGED. SECOND, THAT THE
3 DEFENDANT DID SO WILLFULLY WITH AN INTENT TO DEFRAUD. THIRD,
4 THAT THE FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR
5 PROMISES WERE MATERIAL. AND, FOURTH, THAT THE FINANCIAL
6 INSTITUTION WAS FEDERALLY INSURED. THOSE ARE THE ELEMENTS OF
7 THE CRIME.

8 BY THE COURT:

9 Q. DO YOU THINK YOU UNDERSTAND THE NATURE OF THE CASE THAT
10 YOU'RE BEING CHARGED WITH HERE, MS. WINN?

11 A. YES, SIR.

12 Q. AND SHE HAS GONE THROUGH THE ELEMENTS, AND I JUST WANT TO
13 MAKE SURE WITH RESPECT TO THOSE FOUR ELEMENTS THAT YOU
14 UNDERSTAND THEM?

15 A. YES, I UNDERSTAND.

16 THE COURT: NOW SHE'S GOING TO SET OUT THE FACTS THAT
17 THE GOVERNMENT WOULD PROVE IN THIS CASE THAT SUPPORTS YOUR PLEA.
18 AND WHEN SHE GETS THROUGH WITH THAT I'LL ASK YOU A COUPLE OF
19 QUESTIONS ABOUT THAT.

20 MS. WINN: YES, SIR.

21 MS. MCKENZIE: THE GOVERNMENT'S EVIDENCE SHOWS THAT
22 BETWEEN JULY 14TH, 2005 AND JUNE THE 20TH, 2008, THAT THE
23 DEFENDANT DEVISED A SCHEME TO OBTAIN BENEFITS FROM MORTGAGE AND
24 HOME EQUITY LOANS, VEHICLE LOANS AND LEASES, LINES OF CREDIT AND
25 CREDIT CARDS BY BEING APPROVED BY FINANCIAL INSTITUTIONS,

1 FEDERALLY INSURED FINANCIAL INSTITUTIONS, BASED UPON MATERIALLY
2 FALSE AND FRAUDULENT QUALIFYING INFORMATION. AND THOSE
3 INSTITUTIONS INCLUDED AMERICAN EXPRESS, CENTURION BANK,
4 ASSOCIATED FEDERAL CREDIT UNION, BANK OF AMERICA, CAPITAL ONE
5 BANK, CITIBANK, C.U.N.A. CREDIT UNION, E-TRADE BANK, FIRST
6 EQUITY BANK, FIRST PREMIERE BANK, GREATER WISCONSIN CREDIT
7 UNION, J.P. MORGAN CHASE BANK, NEW MILLENNIUM BANK, SUNTRUST
8 BANK, UNION PLANNERS BANK, WACHOVIA BANK, WASHINGTON MUTUAL
9 BANK, WELLS FARGO BANK, AND OTHERS. THE DEFENDANT OBTAINED FOR
10 HERSELF AND CO-CONSPIRATORS PROCEEDS BY PRETENDING TO BE
11 QUALIFIED, FALSELY REPRESENTING HERSELF TO BE OTHER INDIVIDUALS,
12 AND THAT THEY WERE QUALIFIED OR REPRESENTING HERSELF TO BE
13 QUALIFIED FOR SUCH EXTENSIONS OF CREDIT WHEN IN FACT SHE AND THE
14 OTHER INDIVIDUALS WERE NOT SO QUALIFIED. SPECIFICALLY ON JUNE
15 THE 20TH, 2001 (SIC), MS. WINN OBTAINED A
16 HUNDRED-THOUSAND-DOLLAR BUSINESS EQUITY LINE OF CREDIT SECURED
17 BY HER 4770 CAMPBELL ROAD PERSONAL RESIDENCE.

18 THE COURT: DID YOU SAY '01?

19 MS. MCKENZIE: '07.

20 THE COURT: '07. I'M SORRY.

21 MS. MCKENZIE: SHE OBTAINED A HUNDRED-THOUSAND-DOLLAR
22 BUSINESS EQUITY LINE OF CREDIT SECURED BY HER PERSONAL RESIDENCE
23 FROM WACHOVIA BANK, AND AT THAT TIME WACHOVIA WAS F.D.I.C.
24 INSURED. AND SHE DID SO BY CONCEALING THE FACT THAT ALL EQUITY
25 IN SAID PROPERTY WAS SECURED BY THE GOVERNMENT AS RESTITUTION

1 FOR VICTIMS OF THE HEALTHCARE FRAUD, HER EARLIER OFFENSE, AND
2 ALSO BY SUBMITTING A FORGED GUARANTEE IN THE NAME OF MARY JEAN
3 JACKSON AS OWNER OF GO GET IT TRUCKING -- I MEAN, GO GET IT
4 TRANSPORTATION -- TRANSPORTING AND HAULING, GO GET IT
5 TRANSPORTING AND HAULING -- WHEN MS. WINN WELL KNEW THAT MARY
6 JEAN JACKSON WAS HER UNEMPLOYED ELDERLY GRANDMOTHER WITH VERY
7 LIMITED INCOME WHO COULD NOT AND DID NOT GUARANTEE THE REPAYMENT
8 OF SUCH LOAN AND THAT MARY JEAN JACKSON DID NOT FUNCTION AS
9 OWNER OF GO GET IT AND WAS UNAWARE OF THE
10 HUNDRED-THOUSAND-DOLLAR WACHOVIA LOAN BEING MADE OVER HER FORGED
11 SIGNATURE.

12 THE GOVERNMENT HAS THE HOME EQUITY LINE OF CREDIT SECURITY
13 DEED MARKED AS GOVERNMENT'S EXHIBIT 1 SIGNED BY MS. WINN. SHE
14 HAD PREVIOUSLY SPOKEN TO HER PROBATION OFFICER ASKING TO USE
15 THIS PROPERTY AND -- WITH THE GOVERNMENT RESTITUTION DEPARTMENT
16 ASKING TO USE THIS PROPERTY TO SECURE A LOAN, AND THEY HAD SAID
17 NO BECAUSE THE EQUITY WAS SUPPOSED TO BE TO PAY OFF THE VICTIMS
18 OF HER PRIOR OFFENSE. GOVERNMENT'S EXHIBIT 2 THAT WE'VE
19 OBTAINED FROM WACHOVIA BANK IS A UNCONDITIONAL GUARANTEE IN THE
20 NAME OF GO GET IT TRANSPORTING AND HAULING WITH A GUARANTOR
21 BEING MARY JEAN JACKSON, AND IT'S MARKED AS GOVERNMENT'S EXHIBIT
22 2. AND THE GOVERNMENT'S EVIDENCE IS THAT MS. WINN SIGNED MARY
23 JEAN JACKSON'S SIGNATURE TO THAT DOCUMENT. AND GOVERNMENT'S
24 EXHIBIT 3 IS THE WACHOVIA BANK BUSINESS EQUITY CREDIT -- LINE OF
25 CREDIT AGREEMENT FOR HUNDRED THOUSAND DOLLARS ALSO SIGNED BY THE

1 DEFENDANT FORGING THE NAME OF MARY JEAN JACKSON.

2 THE GOVERNMENT'S EVIDENCE IS THAT MS. JACKSON -- IT WAS NOT
3 MS. JACKSON'S SIGNATURE WE HAVE AS GOVERNMENT'S EXHIBIT 5, THE
4 TRUE SIGNATURE OF MARY JEAN JACKSON ON HER DRIVER'S LICENSE.
5 MS. JACKSON HAS CONFIRMED THAT THIS IS NOT HER SIGNATURE AND SHE
6 DIDN'T KNOW ABOUT THE LOAN OR APPROVE THE LOAN OR SIGN THE
7 DOCUMENTS. AND THE GOVERNMENT HAS TRACED THE FUNDS OF THESE
8 LOAN PROCEEDS TO THE DEFENDANT AND TO HER PERSONAL USE, NOT THE
9 USE OF MARY JEAN JACKSON. MS. JACKSON, THE GOVERNMENT'S
10 EVIDENCE SHOWED, IS UNEMPLOYED AND BARELY ABLE TO TAKE CARE OF
11 HERSELF AND CERTAINLY IS NOT -- DID NOT FUNCTION AS THE OWNER OF
12 GO GET IT TRANSPORTATION AND HAULING.

13 IN ADDITION, GOVERNMENT'S EXHIBIT 4 OUTLINES THE OTHER
14 BANKS LISTED IN THIS SCHEME TO DEFRAUD AND THE TYPES OF CREDIT
15 OBTAINED BY THE DEFENDANT IN HER OWN NAME AND IN THE NAME OF
16 JANICE GORDON AND -- GOODWIN (SIC). I'M SORRY, JANICE
17 GOODEN (SIC) AND ALSO IN KEVIN KING, THE DEFENDANT'S FORMER
18 BOYFRIEND WHO WAS SERVING LIFE IN PRISON, AND OTHERS. AND THAT
19 WOULD BE -- AND WE'VE OBTAINED RECORDS FROM ALL THE FINANCIAL
20 INSTITUTIONS AS WELL AS THE APPLICATIONS WHERE MISLEADING
21 INFORMATION WAS PROVIDED. THEY ALL GO BACK TO RESIDENCES
22 CONTROLLED BY THIS DEFENDANT AND ARE TIED TO HER, AND WHEN YOU
23 TRACE THE MONEY IT GOES BACK TO HER. AND WE'RE NOT SAYING SHE
24 SPENT IT ALL. SHE SHARED IT WITH CO-CONSPIRATORS. THAT WOULD
25 BE THE GOVERNMENT'S EVIDENCE.

1 THE COURT: AND THAT'S HOW YOU GO FROM A HUNDRED TO
2 \$500,000, IS ALL THESE OTHER CREDIT CHARGES?

3 MS. MCKENZIE: YES. AND THE RELEVANT CONDUCT IS
4 800-AND-SOME THOUSAND DOLLARS, BUT SOME OF THEM WERE ATTEMPTS
5 THAT THE GOVERNMENT WAS ABLE TO STOP.

6 THE COURT: IS SHE COOPERATING RELATIVE TO
7 CO-CONSPIRATORS AND THE LIKE?

8 MS. MCKENZIE: SHE HAS BEEN DEBRIEFED. THERE IS A
9 POSSIBILITY OF A 5K. SHE NEGLECTED TO TELL US ABOUT SOME OF THE
10 MONEY THAT WAS HIDDEN, SO THERE ARE SOME ISSUES WITH HER
11 COOPERATION. WE HAVEN'T GIVEN UP BETWEEN NOW AND HER SENTENCING
12 THAT PERHAPS MORE CAN BE DONE, BUT THERE IS A POSSIBILITY.

13 BY THE COURT:

14 Q. RIGHT. I MEANT TO MENTION THAT WHEN I WAS GOING OVER YOUR
15 PLEA AGREEMENT, AND THAT IS THE PARAGRAPHS IN THERE THAT DEAL
16 WITH THE POSSIBILITY OF YOUR GETTING SOME RELIEF BASED ON
17 COOPERATION. DO YOU UNDERSTAND THAT, THE 5K THAT SHE IS
18 REFERRING TO AND THE POSSIBILITY ALSO OF, IF YOUR COOPERATION
19 AMOUNTS TO ANYTHING, THE POSSIBILITY THAT THERE MAY BE SOME
20 RELIEF EVEN AFTER YOU'RE SENTENCED? YOU'VE LOOKED AT THOSE;
21 RIGHT?

22 A. YES, I SAW THAT.

23 Q. AND I JUST WANT TO MAKE IT CLEAR, I THINK THE AGREEMENT
24 SAYS THIS, BUT, OF COURSE, THERE'S NO BURDEN ON THE GOVERNMENT
25 TO ENTER INTO SUCH AN AGREEMENT OR TO URGE THE COURT TO DO IT,

1 AND THEN OF COURSE IT WOULD BE UP TO A REVIEWING COURT, IT MIGHT
2 BE ME, IT COULD BE SOME OTHER JUDGE LATER ON, WHO WOULD LOOK AT
3 THIS. SO THERE'S NO GUARANTEE, I WANT YOU TO UNDERSTAND,
4 ARISING OUT OF THE PLEA AGREEMENT THAT YOU ARE GOING TO GET ANY
5 RELIEF FOR COOPERATION. DO YOU UNDERSTAND THAT?

6 A. YES.

7 Q. OF COURSE IT IS ALMOST ALWAYS IN A DEFENDANT'S INTEREST TO
8 COOPERATE AND TO TRY TO GET SOME RELIEF ON THE SENTENCE. NOW,
9 YOU HEARD MS. MCKENZIE GO OVER THE ESSENTIALS OF WHAT THE
10 GOVERNMENT WOULD BE PROVING UNDER THE ELEMENTS OF THIS CASE
11 REGARDING IT, AND IT STARTS OUT AND PRINCIPALLY SEEMS TO INVOLVE
12 THIS ACQUISITION OF THIS LINE OF CREDIT BASED ON THE EQUITY IN
13 THE HOUSE AND THE FACT THAT THE EQUITY IN THE HOUSE WAS ALREADY
14 TIED UP. IN FACT, YOU TALKED TO THE PROBATION OFFICER AND HE
15 INFORMED YOU OF THAT, BUT THEN YOU GOT THAT AND THEN THE USE OF
16 OTHER FOLKS, RELATIVES AND OTHERS, AS OWNERS OR PEOPLE OF
17 INTEREST AND ALL WHEN THEY DIDN'T HAVE ANY AND THAT, AS A RESULT
18 OF ALL OF THIS ACTIVITY BETWEEN THE SUMMER OF 2005 AND THE
19 SUMMER OF 2008, RESULTS IN DEFRAUDING FINANCIAL INSTITUTIONS
20 SOMEWHERE, YOU KNOW, SEVERAL HUNDRED THOUSAND DOLLARS. IT MIGHT
21 BE 400. IT MIGHT BE 500. IT MAY BE 7- OR 800. MY QUESTION IS,
22 DO YOU AGREE WITH WHAT MS. MCKENZIE SAYS ABOUT YOUR CONDUCT IN
23 CONNECTION WITH THESE CHARGES?

24 MR. LOVELL: JUDGE, IF I MAY SAY JUST ONE THING.

25 THE COURT: SURE.

1 MR. LOVELL: WE'VE DISCUSSED THIS AT LENGTH FOR A
2 NUMBER OF MONTHS AND WHAT'S HAPPENED. AND IN ORDER TO AVOID AN
3 UNNECESSARY -- UNNECESSARY ARGUMENTS TODAY WHEN I DON'T THINK
4 THEY WOULD BE OF ANY BENEFIT, THERE MAY BE SOME DETAILS --

5 THE COURT: RIGHT.

6 MR. LOVELL: -- THAT MS. WINN DISAGREES WITH IN
7 SUBSTANCE, AND THE VIOLATIONS SHE AGREES WITH AND SHE IS HERE,
8 PLANNED AND INTENDS AND HAS ENTERED A GUILTY PLEA. SO WE WOULD
9 RESERVE THE RIGHT TO DISPUTE FACTUALLY SOME OF THE ISSUES AT THE
10 SENTENCING HEARING, BUT THE SUM AND SUBSTANCE OF WHAT
11 MS. MCKENZIE SAID, IN THAT THERE WAS INDEED FRAUD AND IT WAS
12 PERPETRATED UPON A BANK, A FEDERALLY INSURED BANK, AND ALL OF
13 THE ELEMENTS ARE MET AND THE GOVERNMENT WOULD PROVE THAT AT A
14 TRIAL. HOWEVER, THERE'S SOME DETAILS THAT IF THEY'RE RELEVANT
15 WE WOULD LIKE TO ARGUE AT SENTENCING. SO SHE DOESN'T WANT TO
16 CONCEDE TO ALL OF THE FACTS AS LAID OUT BY THE GOVERNMENT.

17 THE COURT: RELATING ESSENTIALLY TO SOME OF THE
18 CHARGES AND THE AMOUNTS THAT THEY WOULD INVOLVE IN AN EFFORT TO
19 REDUCE THE AMOUNT FOR THE PURPOSES OF SENTENCING ESSENTIALLY?

20 MR. LOVELL: YES, JUDGE. AND THE LONG LIST OF
21 INSTITUTIONS, MS. WINN -- SOME OF THOSE SORTS OF DETAILS, THE
22 LIST OF INSTITUTIONS AND ALSO EXACTLY WHAT HAPPENED WITH THE
23 HOME EQUITY LOAN, SHE SIGNED THAT DOCUMENT. BUT THERE ARE JUST
24 SOME SPECIFICS THAT SHE WOULD LIKE ME TO PRESENT DIFFERENT
25 EVIDENCE -- TO PRESENT EVIDENCE ON HER BEHALF POTENTIALLY AT THE

1 SENTENCING HEARING. AND I -- AFTER READING THE P.S.I. I'LL
2 CONSULT WITH HER AND WE'LL DISCUSS WHAT'S IMPORTANT, WHAT WE
3 NEED TO ARGUE ABOUT AND WHAT'S UNIMPORTANT. BUT I DON'T -- I
4 CERTAINLY DON'T WANT TO GET INTO UNIMPORTANT MINOR ISSUES RIGHT
5 NOW BEFORE THE COURT OTHER THAN -- AND CERTAINLY TO ACKNOWLEDGE
6 THAT ALL OF THE ELEMENTS MS. WINN WILL ACKNOWLEDGE THAT TO THE
7 EXTENT THAT MS. MCKENZIE LAID OUT THE FACTS AND THAT THEY MEET
8 THE ELEMENTS OF THE CRIME THAT WOULD BE PROVEN AT TRIAL, ALL OF
9 THE ELEMENTS WOULD BE MET BY THE GOVERNMENT, AND I KNOW
10 MS. WINN --

11 BY THE COURT:

12 Q. AND OF COURSE A PLEA IS NOT JUST A MATTER THAT WOULD BE
13 PROVEN, BUT DO YOU AGREE WITH THE GOVERNMENT'S CONTENTION THAT
14 YOU ARE INVOLVED IN THE FRAUDULENT ACTIVITY THAT RESULTED IN AT
15 LEAST A HUNDRED THOUSAND DOLLARS OF MONEY COMING FROM --

16 MS. MCKENZIE: WACHOVIA --

17 Q. -- WACHOVIA?

18 A. YES, SIR.

19 Q. DO YOU AGREE WITH THAT? AND YOU AGREE WITH THE CONTENTION
20 SET OUT IN THE INDICTMENT -- I BEG YOUR PARDON, THE INFORMATION;
21 IS THAT RIGHT?

22 A. YES, SIR.

23 Q. YES. AND YOUR DISAGREEMENT, IF ANY, HAS TO DO WITH MAYBE
24 REASONS FOR DOING IT AND THE AMOUNTS LATER ON AND INVOLVEMENT OF
25 OTHER PERSONS AND THINGS OF THAT SORT; IS THAT RIGHT?

1 A. BASICALLY OVERALL.

2 Q. YES. BECAUSE YOU WROTE ME A LETTER --

3 A. YES.

4 Q. -- BACK IN -- MAYBE IN THE SUMMER OF LAST YEAR.

5 A. YES, SIR.

6 Q. AND IN THAT LETTER YOU EXPLAIN TO ME -- AND I ASSUME THIS
7 IS THE THINGS THAT YOU WOULD WANT TO TALK ABOUT AT SENTENCING.
8 YOU EXPLAINED TO ME WHAT WAS GOING ON IN YOUR LIFE, THE PROBLEMS
9 YOU WERE HAVING, ALL OF THESE OTHER THINGS, AND APOLOGIZING TO
10 ME FOR BEING BACK IN THIS COURT AND ALL ABOUT THESE PROBLEMS;
11 RIGHT?

12 A. YES, SIR.

13 THE COURT: WELL, LET ME ASK MR. LOVELL.

14 HAVE YOU HAD ENOUGH TIME AND OPPORTUNITY TO INVESTIGATE THE
15 FACTS OF THIS CASE, CONFER WITH THE GOVERNMENT, MEET WITH THE
16 DEFENDANT IN ORDER TO DECIDE WHAT SHE OUGHT TO DO IN THIS CASE?

17 MR. LOVELL: YES, YOUR HONOR.

18 THE COURT: BASED ON EVERYTHING YOU KNOW ABOUT IT DO
19 YOU BELIEVE THAT MS. WINN SHOULD ENTER A PLEA TO THIS
20 INFORMATION AND ADMIT THE CHARGES IN THE REVOCATION PETITION?

21 MR. LOVELL: YES, I DO.

22 THE COURT: FROM YOUR CONVERSATIONS WITH MS. WINN ARE
23 YOU SATISFIED THAT SHE UNDERSTANDS HER RIGHT TO JURY TRIAL AND
24 SO FORTH AND THAT SHE'S GIVING IT UP FREELY AND VOLUNTARILY?

25 MR. LOVELL: YES.

1 THE COURT: DO YOU KNOW OF ANY REASON WHY I SHOULD NOT
2 ACCEPT HER PLEA TO THE INFORMATION TODAY?

3 MR. LOVELL: NO.

4 THE COURT: DO YOU HAVE ANYTHING YOU WANT TO ADD TO
5 THIS, MS. MCKENZIE?

6 MS. MCKENZIE: I JUST WANT TO MAKE SURE THAT IT'S
7 CLEAR, MS. WINN, DO YOU ADMIT THAT THIS IS YOUR SIGNATURE HERE
8 ON THE HOME EQUITY LINE OF CREDIT SECURITY DEED IN GOVERNMENT'S
9 EXHIBIT 1?

10 MS. WINN: YES, THAT IS MY SIGNATURE.

11 MS. MCKENZIE: AND THAT YOU FORGED YOUR GRANDMOTHER'S
12 NAME, MARY JEAN JACKSON, TO THE UNCONDITIONAL GUARANTEE AND TO
13 THE BUSINESS EQUITY LINE OF CREDIT ON GOVERNMENT'S EXHIBIT 2 AND
14 3?

15 MS. WINN: I'M NOT FAMILIAR WITH THIS DOCUMENT, BUT I
16 DID SIGN MY GRANDMOTHER'S NAME, YES.

17 MS. MCKENZIE: AND YOU KNEW SHE WAS BEING USED TO
18 GUARANTEE THE LOAN?

19 MS. WINN: YES, I KNEW.

20 MS. MCKENZIE: AND YOU FORGED HER NAME?

21 MR. LOVELL: WE DISCUSSED THIS AND I KNOW WHERE
22 MS. WINN IS GOING TO COME FROM ON THAT. SHE'S BEEN VERY CLEAR
23 TO ME THAT THERE WAS A RELATIONSHIP WITH HER GRANDMOTHER AND
24 THERE HAD -- AT TIMES THERE WAS AUTHORITY TO USE HER
25 GRANDMOTHER'S SIGNATURE TO ACT ON HER BEHALF, BUT SHE EXCEEDED

1 THE SCOPE OF THAT AUTHORITY. SO THE WORD "FORGED" IMPLIES
2 ANOTHER FELONY IN ADDITION TO WHAT SHE'S ADMITTED TO. SHE
3 CERTAINLY SIGNED THAT. SHE DID NOT HAVE SPECIFIC AUTHORITY ON
4 THAT OCCASION, BUT THERE'S A QUESTION OF WHETHER SHE NEEDED
5 SPECIFIC AUTHORITY --

6 THE COURT: WELL, THE UNDERLYING FACTS SHE DOESN'T
7 HAVE ANY ARGUMENT WITH. IT'S THE WAY IT'S CHARACTERIZED BY THE
8 GOVERNMENT?

9 MR. LOVELL: THAT'S CORRECT, JUDGE. SHE CERTAINLY
10 SIGNED THAT SIGNATURE AND HER GRANDMOTHER WAS NOT SPECIFICALLY
11 AWARE OF THAT SIGNATURE AT THAT TIME.

12 MS. MCKENZIE: OR THE LOAN OF A HUNDRED THOUSAND
13 DOLLARS OR THE FACT THAT SHE WAS SUPPOSED TO BE THE OWNER OF GO
14 GET IT TRANSPORTATION AND ABLE TO GUARANTEE THE REPAYMENT OF A
15 HUNDRED THOUSAND DOLLARS WHEN THE GRANDMOTHER HAD NOTHING.

16 MR. LOVELL: JUDGE, AGAIN, I THINK THE -- GETTING INTO
17 REAL DETAILS ISN'T GOING TO BE PRODUCTIVE TODAY.

18 THE COURT: WELL, LET ME SAY THIS: HERE IS MY VIEW ON
19 IT. I THINK THAT MS. WINN HAS ADMITTED ENOUGH THROUGH HER AND
20 HER LAWYER FOR ME TO ACCEPT THE PLEA ON THIS. I UNDERSTAND THAT
21 THERE ARE GOING TO BE SOME DISCUSSIONS AT SENTENCING, AND
22 PROBABLY WITH THE PROBATION OFFICER FIXING THE PRESENTENCE
23 REPORT AS TO THE LEVEL OF INVOLVEMENT AND THE AMOUNT INVOLVED
24 AND THE EXTENT TO WHICH SHE MAY OR MAY NOT HAVE HAD SOME
25 PERMISSION TO DO THESE FROM THE RELATIVE. BUT SHE DOESN'T

1 DISPUTE IN ANY WAY THE FACT THAT SHE IS RESPONSIBLE CRIMINALLY
2 FOR THE ACQUISITION OF THIS HUNDRED-THOUSAND-DOLLAR LOAN AND THE
3 CREDIT APPLICATIONS THAT ARE INVOLVED IN THE CASE THAT EITHER
4 REMAINS FOR THE PURPOSE OF SENTENCING, THE DECISION ABOUT HOW
5 MUCH MONEY IS ACTUALLY INVOLVED. AND, NOW, THE PLEA AGREEMENT
6 TALKS ABOUT THE NUMBER OF PEOPLE INVOLVED, AND I HAVEN'T HEARD
7 ANYTHING ABOUT THAT TODAY. I MEAN, THAT HAS TO DO WITH AN
8 ENHANCEMENT OR POSSIBLE ENHANCEMENT?

9 MS. MCKENZIE: RIGHT. SHE WILL RECEIVE THAT
10 ENHANCEMENT. THERE WERE WELL OVER TEN PEOPLE. THE DEFENSE
11 WANTED TO RESERVE THAT RIGHT TO APPEAL. I DON'T KNOW WHY, BUT
12 THEY DID. WE HAVE NO OBJECTION BECAUSE IT'S NOT AN ISSUE. I
13 MEAN, THERE ARE WELL OVER TEN VICTIMS IN THIS CASE.

14 THE COURT: THAT'S THE RESERVATION, IS THAT IF IT'S --

15 MS. MCKENZIE: THAT SHE CAN APPEAL IT, NOT THAT THE
16 GOVERNMENT IS SAYING THERE ARE LESS THAN TEN VICTIMS. THERE ARE
17 WELL OVER TEN AND IT'S LISTED IN THE INDICTMENT AND THEY'RE ALSO
18 LISTED ON GOVERNMENT'S EXHIBIT 4.

19 THE COURT: WELL --

20 MR. LOVELL: JUDGE --

21 THE COURT: I GATHER THE GOVERNMENT IS SATISFIED WITH
22 THE TERMS OF THE AGREEMENT.

23 MR. LOVELL: YES, JUDGE. WE WILL SIT DOWN AND --

24 THE COURT: I MEAN, THE GOVERNMENT, BECAUSE THAT'S
25 WHAT'S IN THE AGREEMENT. SHE IS RESERVING SOME THINGS THAT THE

1 GOVERNMENT SAYS ARE --

2 MS. MCKENZIE: THAT HAVE NO VALUE BASICALLY.

3 THE COURT: -- THERE'S REALLY NO DISPUTE ABOUT THAT.
4 YES.

5 MS. MCKENZIE: BUT THE DEFENSE WELL KNOWS THAT. AND
6 IF THEY WANT TO RESERVE IT, THAT'S FINE. THE AMOUNT OF LOSS WE
7 DO BELIEVE IS JUST UNDER A MILLION DOLLARS, SO THAT IS SOMETHING
8 THAT IF IT EXCEEDS A MILLION, THEN THAT'S A REAL GOOD THING THAT
9 THEY ARE -- HAVE PRESERVED TO APPEAL. BUT -- AND SOPHISTICATED
10 MEANS, WE'RE NOT CONCEDING THAT THERE WASN'T SOPHISTICATED MEANS
11 HERE, BUT THEY WANT A SEPARATE COURT TO REVIEW THAT, SO WE
12 AGREED TO ALLOW THOSE -- TO CARVE OUT THOSE --

13 MR. LOVELL: WE'RE NOT CERTAIN, JUDGE, WE WANT A
14 SEPARATE COURT TO REVIEW THAT. WE'RE HOPEFUL THAT WE WON'T HAVE
15 TO GO BEYOND THIS COURT. BUT IT'S -- MS. WINN -- AND I PROMISED
16 HER I WOULD SPEND TIME WITH HER AND LOOK OVER EACH OF THE
17 ALLEGED VICTIMS AND HAVE THE OPPORTUNITY TO CONTEST THEM IF WE
18 DISAGREE AND WE CAN DEMONSTRATE TO THE COURT OTHERWISE. IF NOT,
19 I SUSPECT WE'LL ABANDON THAT.

20 BY THE COURT:

21 Q. DO YOU HAVE ANY QUESTIONS, MS. WINN, THAT YOU WANT TO ASK
22 ME NOW? RECOGNIZING THAT YOU'LL HAVE A CHANCE TO EXPLAIN ALL OF
23 THIS AT SENTENCING, IS THERE ANYTHING YOU WANT TO --

24 A. NO, SIR.

25 THE COURT: NO. FROM EVERYTHING THAT YOU HAVE SAID,

1 MS. WINN, AND WHAT I'VE LEARNED FROM THE GOVERNMENT AND YOUR
2 LAWYER, I'M SATISFIED TO SAY THAT YOU ARE PLEADING GUILTY TO
3 THIS INFORMATION FREELY AND VOLUNTARILY. YOU DO UNDERSTAND YOUR
4 LEGAL RIGHTS. YOU KNOW YOU HAVE A RIGHT TO A JURY TRIAL.
5 YOU'VE BEEN THROUGH ALL THIS BEFORE. YOU UNDERSTAND THAT,
6 EXCUSE ME, THE ELEMENTS OF THIS CASE, THE CHARGE AGAINST YOU,
7 AND YOU AGREE IN ESSENCE TO THE FACTUAL BASIS SET FORTH BY THE
8 GOVERNMENT WHICH WOULD ESTABLISH YOUR GUILT IN THIS CASE, AND,
9 THEREFORE, I ACCEPT YOUR PLEA OF GUILTY THIS MORNING AND I FIND
10 YOU GUILTY AS CHARGED IN THE INFORMATION. MS. COALSON WILL GIVE
11 US A PROPOSED SENTENCING DATE.

12 COURTROOM DEPUTY CLERK: TUESDAY, MAY 12TH AT 10:00.

13 MS. MCKENZIE: AND THE GOVERNMENT'S ALSO OFFERING
14 EXHIBITS 1 THROUGH 5 IF WE COULD HAVE THOSE ADMITTED.

15 THE COURT: THAT WILL BE FINE. IF YOU'LL JUST HAND
16 THAT TO MS. COALSON. THAT'S MAY THE WHAT?

17 COURTROOM DEPUTY CLERK: 12TH.

18 THE COURT: MAY THE 12TH. IF, OF COURSE, YOU KNOW,
19 SHE'S TRYING TO COOPERATE AND ALL THAT AND YOU NEED MORE TIME,
20 ANYTHING LIKE THAT, JUST LET US KNOW AND WE'LL SET IT OVER,
21 WHATEVER YOU ALL WANT TO DO.

22 MS. MCKENZIE: CERTAINLY. AND THE COURT MAY HAVE MADE
23 THIS FINDING, BUT IF NOT, IF YOU COULD STATE FOR THE RECORD THAT
24 YOU HAVE FOUND HER TO HAVE VIOLATED SUPERVISED RELEASE. I KNOW
25 THAT SHE HAS AND THAT IT'S HEREBY REVOKED --

1 THE COURT: YOU'RE RIGHT. YOU'RE RIGHT. SHE ADMITTED
2 THE ESSENTIAL ALLEGATIONS OF THE PETITION TO REVOKE HER
3 SUPERVISED RELEASE. SHE ADMITS IT.

4 AND THE COURT FINDS, MS. WINN, THAT YOU DID IN FACT VIOLATE
5 THE TERMS OF YOUR SUPERVISED RELEASE. AND THE DISPOSITION OF
6 THAT WILL COME AT THE SAME TIME AS THE SENTENCE IN THE MAIN
7 CASE.

8 MS. MCKENZIE: THANK YOU, YOUR HONOR.

9 THE COURT: YOU ARE WELCOME. IS THERE ANYTHING ELSE?
10 LET ME SEE. I'M GOING TO HAND ALL THIS BACK TO MS. COALSON. IS
11 THERE ANYTHING ELSE THAT WE NEED TO TAKE UP?

12 WELL, LET ME JUST SAY THIS, MS. WINN: YOU WILL BE DEALING,
13 OF COURSE, WITH YOUR PROBATION SUPERVISOR TO GET THE
14 INVESTIGATION GOING AND YOU'LL STAY IN TOUCH WITH MR. LOVELL IN
15 CASE WE HAVE TO CHANGE THE DATE OF YOUR HEARING ON THIS.

16 WHAT ELSE IS THERE? ANYTHING ELSE?

17 MS. MCKENZIE: NO, YOUR HONOR. THANK YOU.

18 THE COURT: THANK YOU VERY MUCH. WE'RE AT RECESS AT
19 THIS TIME.

20 MR. LOVELL: THANK YOU.

21 (PROCEEDINGS ADJOURNED.)
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C E R T I F I C A T E

UNITED STATES OF AMERICA
NORTHERN DISTRICT OF GEORGIA

I, MONTRELL VANN, CCR, CSR, RPR, RMR, CRR, OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT, FOR THE NORTHERN
DISTRICT OF GEORGIA, DO HEREBY CERTIFY THAT THE FOREGOING 31
PAGES CONSTITUTE A TRUE TRANSCRIPT OF PROCEEDINGS HAD BEFORE THE
SAID COURT, HELD IN THE CITY OF ATLANTA, GEORGIA, IN THE MATTER
THEREIN STATED.

IN TESTIMONY WHEREOF, I HEREUNTO SET MY HAND ON THIS, THE
15TH DAY OF JUNE 2009.

MONTRELL VANN, CCR, CSR, RPR, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT